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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,794	08/12/2005	Aloys Wobben	970054.479USPC	7319

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EXAMINER
BOATENG, ALEXIS ASIEDUA

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,794

Applicant(s)

WOBBEN, ALOYS

Examiner

ALEXIS BOATENG

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/03/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/28/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (GB 2,325,799).

Regarding claims 1 and 15, Schneider discloses wherein an apparatus for transporting electrical energy characterized by a storage device which is formed from a plurality of storage elements (figure 1 item 2) and which is arranged as a payload on and/or in a vehicle (pg 2 line 7), wherein in the delivery of the electrical energy the storage device remains on and/or in the vehicle and the vehicle has a connection for transmitting the stored electrical energy upon discharge (pg 2 lines 20 - 22).

Regarding claim 2, Schneider discloses wherein accumulators and/or capacitors as the storage elements (figure 1 item 2).

Regarding claim 3, Schneider discloses wherein the storage elements which are mechanically and/or electrically combined to form storage device groups. Schneider discloses the invention as claimed, but does not disclose wherein

there are groups of storage elements. It would have been obvious to a person of ordinary skill in the art to add duplicate storage batteries to the system so to provide additional power to other devices, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 4, Schneider discloses wherein a vehicle drive which is operable with the stored energy (page 4 lines 4 – 13).

Regarding claim 7, Schneider discloses wherein at least one electrical collective connection for a plurality of storage elements and/ storage device groups (figure 1 item 10).

Regarding claim 8, Schneider discloses wherein at least one opening in each storage element for introducing or draining off fluid (pages 4 line 25 - page 5 line 13).

3. Claims 5–7, 9, 10, 16–18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (GB 2,325,799) in view of Pintz (U.S. 6,384,569).

Regarding claim 5, Schneider does not disclose the invention as claimed. Pintz discloses in figure 1 wherein fixed stations, item 2 are used for charging up and discharging the storage device and/or for converting the electrical energy. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider system with the Pintz system so that it is easy to charge and discharge the electrical energy in the system.

Regarding claims 6 and 7, Schneider does not disclose the invention as claimed. Pintz discloses in column 4 lines 17 – 35 wherein stations are for intermediate storage of the electrical energy. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider system with the Pintz system so that electrical energy may be used for future purposes.

Regarding claims 9 and 10, Schneider does not disclose the invention as claimed. Pintz discloses in column 4 lines 17 – 58 wherein collecting conduits connect the openings of the storage elements. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider reference with the Pintz reference so that it is easy to charge and discharge the electrical energy in the system.

Regarding claims 16–18, Schneider does not disclose the invention as claimed. Pintz discloses in column 4 lines 17 – 64 wherein after charging of the electrical energy into the storage device to the destination a fluid contained in the storage device is removed and that after transport of the storage device to the destination but prior to removal of the electrical energy fluid is introduced into the storage device. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider system with the Pintz system to provide optimum charging.

4. Claims 11–14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (GB 2,325,799) in view of Okada (U.S. 5,960,898).

Regarding claims 11–14, and 19, Schneider does not disclose the invention as claimed. Okada discloses wherein a device for monitoring individual storage elements and/or controlling charging/discharging operation and or for supplying remaining fluid (figure 1 item 21). At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider reference with the Okada reference so that the charge and discharging cycles are properly monitored so that the system is not damaged.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXIS BOATENG whose telephone number is (571)272-5979. The examiner can normally be reached on 8:30 am - 6:00 pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ullah Akm can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

/Bao Q. Vu/
Primary Examiner, Art Unit 2838

February 4, 2008